

### **REMARKS**

Claims in the case are 1-4, 7, 12-19 and 23-26, upon entry of this amendment. Claims 2, 4, 23 and 24 have been amended, and Claims 25 and 26 have been added herein.

Basis for added Claim 25 is found in Claim 22, which has been cancelled herein. Due to a discrepancy between the copy of Applicants' previous amendment dated 6 June 2003 received by the Office and the copy in Applicants' file, Claim 22 has been cancelled and replaced with added Claim 25. The copy of Applicants' previous amendment dated 6 June 2003 received by the Office included a duplicate recitation of step (b). Basis for the inclusion of the optional emulsifier in step (a) of Claim 25 is found at page 8, lines 9-14, and in Example 3 at page 12, lines 8-14 of the specification. Basis for the percent by weights included in (b) of Claim 25 are found at page 5, lines 10-24 of the specification. Basis for the recitation of emulsifiers included in Claim 25 is found in Claim 2, and at page 7, line 16 through page 8, line 7 of the specification. Basis for the insertion of --the bulk of-- in (iii) of Claim 25 is found at page 4, line 25 through page 5, line 8 of the specification.

Basis for added Claim 26 is found in previously added Claims 22 and 24; at page 1, lines 10-21; and at page 10, lines 5-9 of the specification.

Claims 2 and 4 have been amended to replace "poly(oxy-1,2-ethanediyl," with --poly(oxy-1,2-ethanediyl),--. Claims 23 and 24 have been amended to depend from Claim 25 (rather than cancelled Claim 22).

Applicants note the withdrawal of the previous rejection of Claims 1-9 and 12-19 under 35 U.S.C. §112, second paragraph. Applicants also note the withdrawal of the previous rejections of Claims 1-4, 7-9, 17 and 18 as being anticipated by or in the alternative as being rendered obvious over United States Patent No. 4,310,330 (**Funaki et al**). The withdrawal of the previous rejection of Claims 1-4, 7-9 and 18 as being anticipated by United States Patent No. 3,514,246 (**Bianco et al**) is noted by Applicants. The withdrawal of these rejections is described on page 2 of the present Office Action of 12 August 2003.

Claims 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Funaki et al. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Funaki et al disclose coloring (or tinting) a nonfogging article or substrate containing a surfactant by contacting the nonfogging substrate with a dyeing solution containing a surfactant, a solvent and a coloring material (abstract). Funaki et al disclose the surfactant as being present in the dyeing solution in an amount of 20 to 100 percent by weight, based on the weight of surfactant and solvent (abstract, and column 2, lines 23-34). Funaki et al define the term "nonfogging substrate containing a surfactant" as referring to an article of plastic material or glass which has its surface coated with a film made of a nonfogging resin containing a surfactant (column 7, lines 24-32). See also the examples at columns 9-13 of Funaki et al, wherein the substrates have coatings applied thereto prior to contact with the dyeing solutions.

Funaki et al only disclose dyeing the nonfogging coating of their nonfogging articles. Funaki et al do not disclose, teach or suggest contacting a molded article with a dyeing bath such that the dye diffuses into the bulk of the molded article. The process of Applicants' present Claims 23 and 25 involves allowing a tinting amount of dye to diffuse into the bulk of the molded article (at least a portion of which has been immersed in the dyeing bath). See step (iii) of Applicants' Claim 25 herein.

In the first full paragraph on page 3 of the Office Action of 12 August 2003, it is argued that in Example 4, Funaki et al do not disclose or suggest the sequence of mixing employed when preparing their dyeing solution, but yet the resultant dyed article was uniformly colored. As discussed previously herein, Funaki et al's process involves dyeing a coating that has been previously applied to a plastic substrate. Funaki et al do not disclose or suggest diffusing dye into the bulk of the plastic substrate. The method of Applicants' present Claims 23-25 involves allowing a tinting amount of dye to diffuse into the bulk of the molded article (at least a portion of which is immersed into the dyeing bath). As such, Applicants submit that Funaki et al's lack of disclosure regarding the sequence of steps used in the preparation of their dyeing solution does not reach or touch upon Applicants' present Claims.

Funaki et al teach away from the use of a dyeing solution that contains less than 20 percent by weight of surfactant, based on the total amount of surfactant and solvent present in the bath. See column 2, lines 23-34 of Funaki et al. The dyeing bath of Applicants' present Claims 23-25 includes 94 to 96 percent by weight of

water, 1 to 2 percent by weight of carrier, a tinctorial amount of dye, and 3 to 4 percent by weight of emulsifier, the percent weights being based on the weight of the dyeing bath. Based on the total weight of carrier, emulsifier and solvent (i.e., water), Applicants' dyeing bath contains a combined amount of carrier and optional emulsifier that is less than 6 percent by weight, as determined from the following equation.

$$100 \times ((2 \text{ parts carrier} + 4 \text{ parts emulsifier}) / (94 \text{ parts of water} + 2 \text{ parts carrier} + 4 \text{ parts emulsifier}))$$

Funaki et al do not disclose, teach or suggest the use of a dyeing bath that contains less than 6 percent by weight of a combination of carrier and optional emulsifier, based on the total weight of carrier, emulsifier and solvent (water). As Funaki et al teach away from the use of a dyeing solution that contains less than 20 percent by weight of surfactant, based on the total amount of surfactant and solvent present in the dyeing solution, Applicants submit that Funaki et al's disclosure does not reach or touch upon the process of their present Claims 23 and 25.

In light of the amendments herein and the preceding remarks, Claims 23 and 25 are deemed to be unobvious and patentable over Funaki et al. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 22 stands objected to due to a duplicate recitation of section (b). Claim 22 has been replaced with added Claim 25, which does not contain a duplicate recitation of section (b). Reconsideration and withdrawal of this objection is respectfully requested.

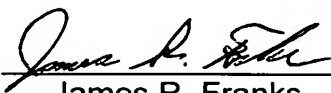
Applicants note with appreciation the statement as to the allowability of Claims 1-4, 7, 12-19 and 24 as stated on page 4 of the Office Action of 12 August 2003. Applicants also note with appreciation the indication that Claims 1-4, 7 and 12-19 are allowed in item 5) under Disposition of Claims on the Office Action Summary page.

Claim 24 stands objected to for being dependent upon a rejected base claim (i.e., Claim 22). Claim 24 has been rewritten in independent form as added Claim 26, which is a combination of previously added Claim 22 (i.e., Claim 22 as it appeared in Applicants' previous amendment, dated 6 June 2003) and Claim 24.

For purposes of clarifying the record, on the Office Action Summary page, item 6) under Disposition of Claims should be --22 and 23-- rather than "23" alone.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

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